



P/4976-37

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jean-Marie GOUOT et al.

Date: January 10, 2011

Serial No.: 10/588,360

Group Art Unit: 1616

Filed: October 10, 2006

Examiner: Pak, J. D.

For: FUNGICIDAL COMPOSITIONS COMPRISING A PYRIDYLETHYLBENZAMIDE
DERIVATIVE AND A COMPOUND CAPABLE OF INHIBITING THE
METHIONINE BIOSYNTHESIS

TERMINAL DISCLAIMER

Mail Stop Amendment- FEE
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This terminal disclaimer is submitted under Rule 321 (c) to obviate a non-statutory double-patenting rejection over a patent, which is being filed in response to an office action of November 2, 2010, for the above-identified patent application.

The fee of \$140 for a terminal disclaimer for a large entity under 37 C.F.R. § 1.20(d) is requested to be charged to Deposit Account No. 15-0700.

U.S. Patent No. 7,776,892 is assigned to Bayer CropScience AG, a corporation organized under the laws of Germany having its principal place of business at Alfred Nobel Strasse 50, D-40789 Monheim, Germany. Bayer CropScience AG thus holds a 100 percent interest in both the above-identified application and U.S. Patent No. 7,776,892, and disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant

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application, which would extend beyond the expiration date of the full statutory term, defined in 35 U.S.C. §§ 154, 156, and 173 as shortened by any terminal disclaimer filed prior to the grant, of said U.S. Patent No. 7,776,892. The owner agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and said U.S. Patent No. 7,776,892 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 145 to 156 and 173, of said U.S. Patent No. 7,776,892, as shortened by any terminal disclaimer filed prior to its patent grant, in the event that such patent(s): (1) expire(s) for failure to pay a maintenance fee, (2) is (are) held unenforceable, (3) is (are) found invalid by a court of competent jurisdiction, (4) is (are) statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §§ 1.321, (5) has (have) all claims cancelled by a re-examination certificate, (6) is (are) reissued, or (7) is (are) in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its (their) grant.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

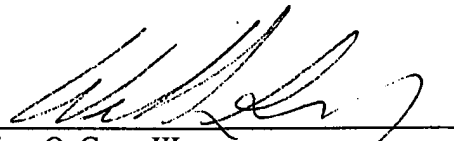
I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these

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statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application of any patent issued thereon.

The undersigned is an attorney of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William O. Gray, III', is written over a horizontal line.

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